

**REMARKS**

Claims 1-4 and 7-10 were pending in the application. Claim 1 is amended to include the limitation that the upper and lower shearing blades are solidly fixed to one another to form a guide configured to receive the cutting blade (5). Support for the amendment to claim 1 may be found, for example, on page 3, lines 18-21, in the specification.

New claims 11 and 12 are added. New claim 11 recites the limitation that the cutting blade (5) is configured to be driven to oscillate by a drive motor (11) via a slaving device (12). Support for new claim 11 may be found, for example, on page 3, lines 18-21, in the specification.

New claim 12 recites the limitation that the cutting blade (5) is driven without contact-pressure force. Support for new claim 12 may be found, for example, on page 4, lines 1-3, in the specification.

Claims 1-4 and 7-12 are now pending.

No new matter is added.

**Objections to the Drawings**

The replacement drawing sheet provided for figures 11 and 13 in response to the Office Action mailed 10/02/2008 are not accepted. The Examiner asserts that sufficient support for replacing reference number 49 with reference number 48, and the location of 48 have not been found. The Examiner indicates that the orientation of the label "PRIOR ART" in Figure 13 should be changed.

In response to the continued objection to figure 13, Applicant provides an appended replacement drawing sheet for figure 13 in which the label "PRIOR ART" has the same orientation as the figure.

Regarding the continued objection to figure 11, the description of figure 11 found on page 6 of the specification as originally filed is reproduced below for the Examiner's convenience.

*Fig. 11 shows a plan view on the cutting head 1 with the lower and upper shearing blades 2, 3 and the stationary eccentric part 42 removed, to make a spring 37 more clearly visible. The lever 33 for manually adjusting the cutting blade 5 has been shown in dashed lines. The cutting blade 5 is guided by a parallel guide 36 by means of the one-piece, U-shaped spring 37 by means of two legs 38, 39, and for this purpose the cutting blade 5 is provided with corresponding receptacles 40, 41 for the ends of the legs. The two bores 46, 47 serve to receive the angled ends of the legs 38, 39. The spring 37 is embedded in a carriage 48, so that the cutting blade 5 is capable of moving parallel. For displacing the carriage 48 by means of the eccentric 13, the carriage 48 has a sliding face 49, represented by dot-dashed lines, which corresponds to a plane face 50 (Fig. 4) of the lower shearing blade 2.*

Carriage 48 is referenced, as well as sliding face 49. Sliding face 49 is indicated as being represented by dot-dashed lines, which correspond to a plane face 50. No such dot-dashed line is present in figure 11 as originally filed. Rather, figure 11, as originally filed, shows the reference number 49 associated with the carriage, which should be labeled using reference numeral 48. The description of figure 11 in the specification as originally filed refers to both 48 and 49, while the figure as originally filed only shows 49. The figure as originally filed inadvertently labels the carriage with reference numeral 49, rather than reference numeral 48. As can be seen in figure 11, no dot-dashed line showing sliding face 49 is present, and so, reference to the sliding face reference numeral 49 is deleted from the description.

In view of the foregoing clarification, Applicant respectfully requests that the objections to the drawings be withdrawn and that the replacement drawing sheet for figure 11 submitted in response to the Office Action mailed 10/02/2008 be accepted.

### **Claims Rejections 35 U.S.C. 103**

Claims 1-4 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oster (US 2,253,195). The Examiner's rejection has been carefully considered.

Claim 1 is amended to include the limitation that the upper and lower shearing blades are solidly fixed to one another to form a guide configured to receive the cutting blade (5). In this claimed configuration, the upper and lower shearing blades are solidly fixed to one another to form a guide for the cutting blade. The cutting blade may then be inserted into the guide (i.e. received by the guide formed by solidly fixing the upper and lower shearing blades together. With this configuration, no pressure or clamping force is used to hold the shearing blades and cutting blades together. Instead, the shearing blades are solidly fixed to one another to form a groove in which the cutting blade can be placed and in which the cutting blade can be driven to oscillate without contact pressure, as recited in new claim 12. As a consequence of the configuration recited in present claim 1, the cutting blade is not pressed against the shearing blades, does not experience the friction associated with this contact pressure, and therefore the cutting blade requires relatively less force to oscillate than, for example, the cutting blade taught by Oster. As a consequence, the cutting blade may be driven via a slaving device as recited in new claim 11, rather than an eccentric driving bushing on a drive shaft, as taught by Oster.

Applicant argues that Oster does not teach or suggest a cutting head in which the stationary shearing blades are solidly fixed to one another to form a guide configured to receive the cutting blade (5). Rather, Oster teaches a cutting head in which the shearing blades and cutting blade are assembled and then held together

using pressure from a clamp spring. This configuration is distinct from that recited in present claim 1 because it requires the blades to be held together by tension, which resists the oscillatory motion of the cutting blade.

The cutting head taught by Oster also has two fixed blades and a cutting blade held together by a spring clip 16 (page 3, column 2, lines 36-39, and claim 1), which necessarily exerts a force required to hold the three blades together and maintaining the cutters under the correct amount of tension (page 3, column 1, lines 17-22, and claim 1). Oster does not, however, teach or suggest a cutting head in which two shearing blades are solidly fixed to one another to form a guide configured to receive a cutting blade (i.e. insert the cutting blade once the shearing blades are solidly fixed to one another).

Regarding the Examiner's reliance on "Official notice" that hair cutting length adjusters of various sorts are "old and well known," Applicant argues that this assertion, while acceptable for comb guards routinely used with clippers, does not address the limitation in claim 1 that the shearing blades move relative to the cutting blade.

In view of the amendment to claim 1 and the foregoing arguments, Applicant respectfully requests that the rejection of claims under 35 U.S.C. 103(a) be withdrawn.

### **Conclusion**

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully Submitted,



Michael J. Striker  
Attorney for Applicant  
Reg. No.: 27233  
103 East Neck Road  
Huntington, New York 11743  
631-549-4700